

Attorney Docket No.: LEAP:133US  
U.S. Patent Application No. 10/810,979  
Reply to Office Action of April 25, 2007  
Request for Reconsideration dated: June 25, 2007

### Remarks/Arguments

#### The Rejection of Claims 1, 3, 8, 18, 20-21 and 35 Under 35 U.S.C. § 102

The Examiner has rejected Claims 1, 3, 8, 18, 20-21 and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,572,888 (*Kawashima*). Applicants respectfully traverse this rejection and request reconsideration based on the following reasons.

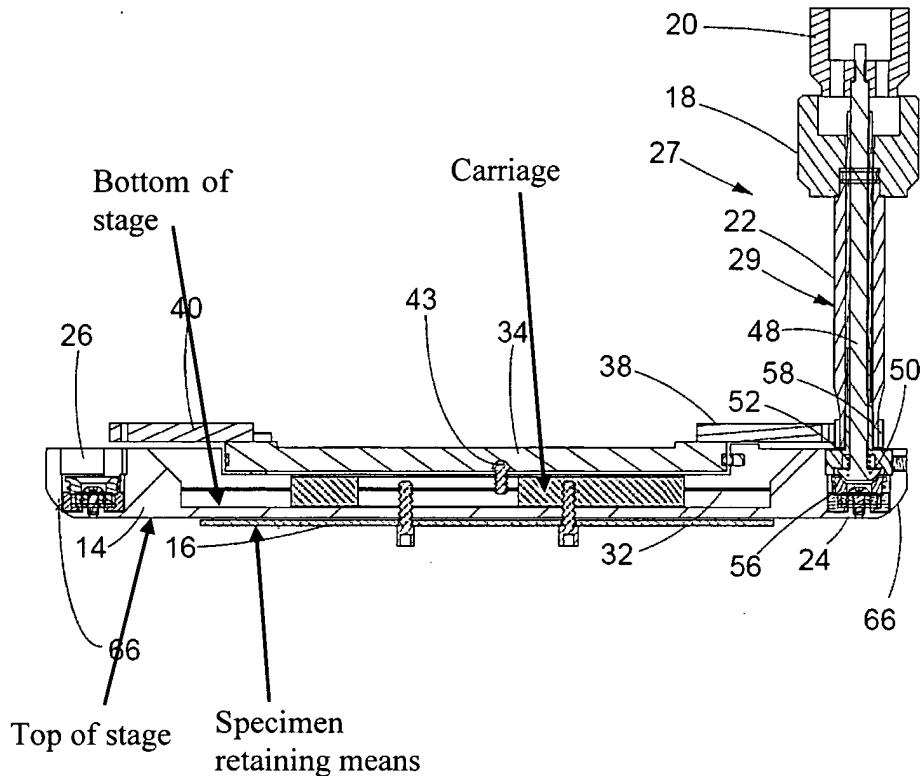
“A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference.” *Vandergaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). In other words, the elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990) (emphasis added).

Applicants courteously submit that Claim 1 recites an arrangement that is not taught in *Kawashima*. More specifically, *Kawashima* does not teach a microscope stage assembly comprising a carriage positioned adjacent to the slot for movement in a direction generally parallel with the slot; a drive means operatively arranged to move the carriage and the stage, wherein the drive means for the carriage and stage are shielded by the bottom side of the stage throughout the full range of motion of the carriage and stage, and the carriage and bearings for the carriage are shielded by the bottom side of the stage throughout the full range of motion of the carriage and the stage; and, a specimen retaining means on the top side of the stage, wherein the specimen retaining means is removably attached to the carriage through the opening in the stage, as taught in Applicants’ Claim 1. Applicants respectfully assert that *Kawashima* teaches “upper stage 1 slidably supports thereon a clamping holder 2 having a pair of clamping arms 2a and 2b in the conventional manner...the clamping holder 2 is supported by a slide member 3 slidably guided in the upper stage member 1 by means of bearing balls 4 so that the slide member 3 is moved in the direction perpendicular to the plane of FIG. 3, *i.e.*, in the vertical

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direction in FIG. 1 together with the clamping holder 2.” (*Kawashima*, Col. 3, Lines 16-23). Although rotation of handle 23 causes rotation of gear 24 which rotates gear 27, thereby gear 31 through gear 29 and finally movement of slide member 15 through rack 18, one of ordinary skill in the art would recognize that the carriage of *Kawashima* is not limited to only that structure. Contrarily, one of ordinary skill in the art would recognize that *Kawashima*’s carriage includes both the structure of handle 23 through slide member 15 in combination with slide member 3 and bearing balls 4, as it is ultimately slide member 3 which interacts with clamping holder 2 to affect movement thereof. Thus, in view of the foregoing, *Kawashima* teaches a microscope stage assembly having a carriage assembly which is positioned both above and below the stage, i.e., handle 23 through slide member 15 is below the stage and slide member 3 and bearing balls 4 are above the stage.

Contrarily, Applicants teach a microscope stage assembly comprising a stage having a top side, a bottom side and an opening in the form of a linear slot; a carriage and bearings for said carriage shielded by the bottom side of the stage; and, a specimen retaining means on the top side of the stage wherein the specimen retaining means is removably attached to the carriage through the opening in the stage. (See the following Figure)



Applicants' Fig. 10

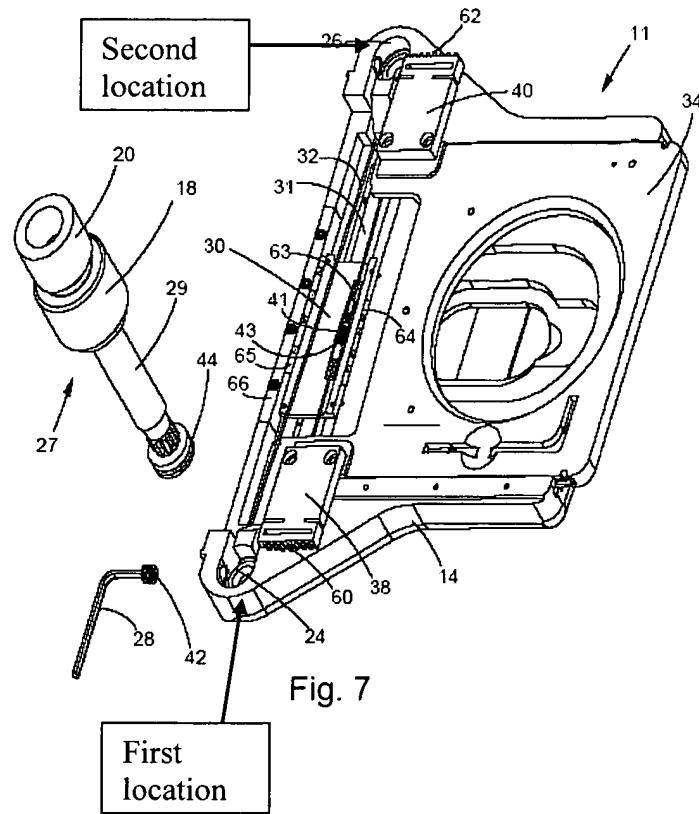
As can be seen in the figure above, Applicants entire carriage and bearings are located below the stage, not a portion above and a portion below as taught in *Kawashima*.

Hence, as Applicants' Claim 1 contains an arrangement of elements not taught in *Kawashima*, it generally follows that *Kawashima* does not anticipate Applicants' Claim 1. In like fashion, as Claims 3, 8, 18, 20-21 and 35 contain all the limitations of the claims from which they depend, *i.e.*, Claim 1, it follows that Claims 3, 8, 18, 20-21 and 35 are also not anticipated by *Kawashima*.

Moreover, Claim 8 includes additional elements not taught by *Kawashima*, *i.e.*, first engagement means for a microscope stage drive mechanism at a first location on the stage, and a second engagement means for the microscope stage drive mechanism at a second location on the stage. Applicants' disclose in paragraph [0030] that:

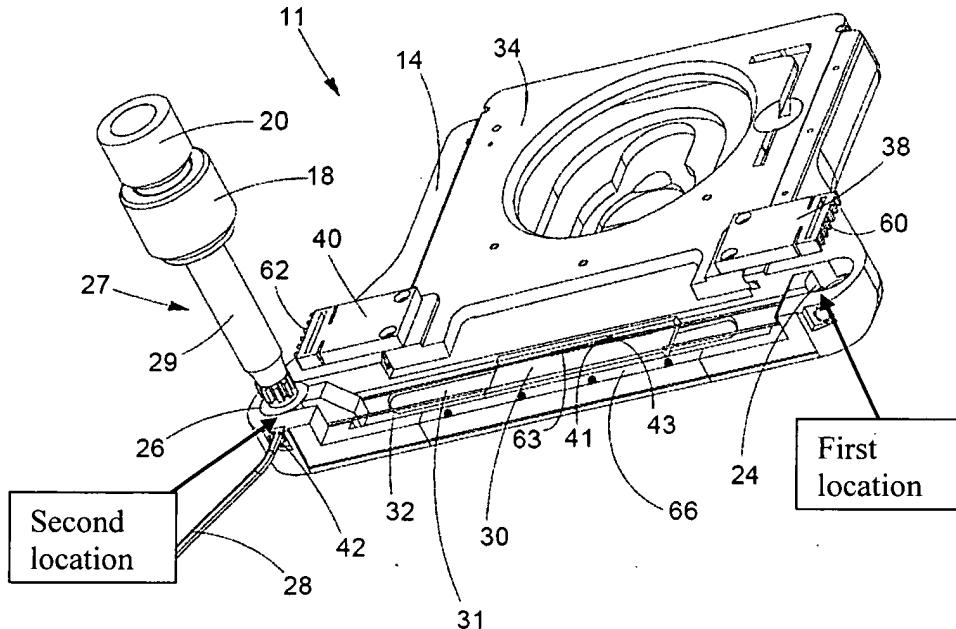
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"Drive 27 is detachably secured to stage 14 (Fig. 7). This attachment may be made in any number of ways readily apparent to those possessing ordinary skill in the art. In one preferred embodiment, the drive mechanism is detachably secured with a set screw 42 with the aid of wrench 28. Set screw 42 (Figs. 7-8) engages stage 14 and retaining collar 44 of the drive 27. After removal of set screw 42 from the stage (Fig. 7), drive 27 may be removed and inserted into mounting hole 26 for left hand operation (Fig. 8) using set screw 42 and wrench 28."



### Applicants' Figure 7

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Applicants' Fig. 8

Thus, Applicants' teach a stage wherein stage drive mechanism 27 can be mounted in two separate and distinct locations, *i.e.*, for left and right handed use of the drive mechanism.

Contrarily, *Kawashima* teaches only one location on the stage to mount the stage drive mechanism which includes handles 19 and 23. (See Figure 2). Applicants respectfully assert that one of ordinary skill in the art would not understand to provide a stage with two locations to mount a stage drive mechanism in view of the teachings of *Kawashima*, as only one location is shown in the figures and described in the specification. Thus, in addition to the reasons set forth above, Claim 8 is also patentable over *Kawashima* due to the missing elements, *i.e.*, first engagement means for a microscope stage drive mechanism at a first location on the stage, and a second engagement means for the microscope stage drive mechanism at a second location on the stage.

Therefore, in view of the foregoing, Applicants respectfully assert that Claims 1, 3, 8, 18, 20-21 and 35 are in condition for allowance, which action is courteously requested.

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The Rejection of Claims 9-10, 13, 15 and 24 Under 35 U.S.C. § 102

The Examiner has rejected Claims 9-10, 13, 15 and 24 under 35 U.S.C. § 102(b) as being anticipated by *Kawashima*. Applicants respectfully traverse this rejection and request reconsideration based on the reasons set forth above and the following reasons.

As described above, Claim 8 contains an arrangement of elements not taught in *Kawashima*, i.e., *Kawashima* fails to teach a carriage and bearings for the carriage shielded by the bottom side of the stage, first engagement means for a microscope stage drive mechanism at a first location on said stage, and a second engagement means for said microscope stage drive mechanism at a second location on said stage. Thus, it generally follows that *Kawashima* does not anticipate Applicants' Claim 8. In like fashion, as Claims 9-10, 13, 15 and 24 contain all the limitations of the Claims from which they depend, i.e., Claim 8, it follows that Claims 9-10, 13, 15 and 24 are also not anticipated by *Kawashima*.

Therefore, Applicants respectfully assert that Claims 9-10, 13, 15 and 24 are in condition for allowance, which action is courteously requested.

The Rejection of Claims 11-12, 14, 16 and 25 Under 35 U.S.C. § 102

The Examiner has rejected Claims 11-12, 14, 16 and 25 under 35 U.S.C. § 102(b) as being anticipated by *Kawashima*. Applicants respectfully traverse this rejection and request reconsideration based on the reasons set forth above and the following reasons.

As described above, Claim 8 contains an arrangement of elements not taught in *Kawashima*, i.e., *Kawashima* fails to teach a carriage and bearings for the carriage shielded by the bottom side of the stage, first engagement means for a microscope stage drive mechanism at a first location on said stage, and a second engagement means for said microscope stage drive mechanism at a second location on said stage. Thus, it generally follows that *Kawashima* does not anticipate Applicants' Claim 8. In like fashion, as Claims 11-12, 14, 16 and 25 contain all the limitations of the Claims from which they depend, i.e., Claim 8, it follows that Claims 11-12, 14, 16 and 25 are also not anticipated by *Kawashima*.

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Therefore, Applicants respectfully assert that Claims 11-12, 14, 16 and 25 are in condition for allowance, which action is courteously requested.

The Rejection of Claims 36-37 Under 35 U.S.C. § 102

The Examiner rejected Claims 36-37 under 35 U.S.C. § 102(b) as being anticipated by *Kawashima*. Applicants respectfully traverse this rejection and request reconsideration for the reasons set forth above and the following reasons.

As described *supra*, Applicants courteously submit that the device taught by *Kawashima* does not include **a carriage and bearings for the carriage shielded by the bottom side of the stage**, as recited in Applicants' Claims 36 and 37. Applicants respectfully assert that one of ordinary skill in the art will recognize that *Kawashima*'s carriage, and bearings therefor, are located **above and below stage 1** and the carriage and bearings assembly includes slide member 15 and bearings 16 **in combination with** slide member 3 and bearings 4.

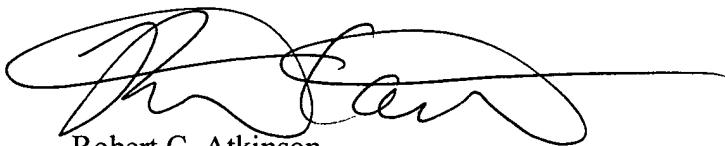
Hence, as Applicants' Claims 36 and 37 contain arrangements of elements not taught in *Kawashima*, it generally follows that *Kawashima* does not anticipate Applicants' Claims 36 and 37. Accordingly, withdrawal of the rejection of Claims 36-37 under 35 U.S.C. § 102(b) is appropriate and respectfully requested.

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**Conclusion**

Applicants respectfully submit that the present application is in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



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